

## **3 FAM 4520 ADVERSE ACTION PROCEDURES FOR SUSPENSION OF 14 DAYS OR LESS**

### **3 FAM 4521 NOTICE OF PROPOSED ADVERSE ACTION**

*(TL:PER-253; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

An employee against whom adverse action is proposed involving a suspension of 14 days or less must be given an advance written notice stating the specific reasons for the proposed action, a reasonable time to answer orally and/or in writing, and must be informed of the employee's rights to be represented by an attorney or other representative. Normally, the advance notice will be ten calendar days. However, the Department, at its option, may make changes in the time limit if it deems it necessary to do so. The material on which the notice is based, including statements of witnesses, documents, and investigative reports or extracts therefrom, shall be made available to the employee for review. The notice shall inform the employee where this material may be reviewed. The employee must be provided a written decision.

### **3 FAM 4522 EMPLOYEE'S ANSWER**

#### **3 FAM 4522.1 Right to Answer**

*(TL:PER-253; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

The employee may answer personally and/or in writing. The right to answer personally includes the right to respond orally in person and through an attorney or other representative to the Director, PER/ER or delegee (see 3 FAM 4512.2), with the employee given a reasonable opportunity to make any representations which the employee believes might affect the final decision on the case. However, this does not include the right to a trial or formal hearing with examination of witnesses. The employee's answer, whether oral or written, shall be made part of the record. When the answer is given orally, a written summary of the answer must be prepared.

### **3 FAM 4522.2 Allowance of Reasonable Time**

*(TL:PER-253; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

A reasonable time, but not less than 24 hours unless an emergency situation is involved (see 3 FAM 4534), shall be allowed an employee for answering charges in a notice of proposed suspension of 14 days or less and for furnishing affidavits in support of the answer. Normally, this will be ten calendar days. However, the Department, at its option, may change the time limit if it deems it necessary to do so.

### **3 FAM 4522.3 Who Considers Answer**

*(TL:PER-253; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

If the employee answers, the answer shall be considered by the Deputy Assistant Secretary for Personnel (DGP/PER) or delegee in reaching a decision.

### **3 FAM 4523 NOTICE OF ADVERSE DECISION**

*(TL:PER-253; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

An employee shall be notified in writing at the earliest practicable date by the Deputy Assistant Secretary for Personnel or delegee of a decision to take adverse action under this subchapter, and the written notification shall inform the employee of:

- (1) Which of the reasons in the notice of proposed adverse action have been found sustained and which have been found not sustained; and
- (2) A right to grieve a suspension of 14 days or less under the Department's grievance procedures (3 FAM 4700), or any other negotiated grievance-arbitration procedure applicable to the employee.

### **3 FAM 4524 THROUGH 4529 UNASSIGNED**